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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JESUS AYALA VELAZQUEZ; et al.,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 08-70166

Agency Nos. A095-193-786  
A095-193-787

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 18, 2009\*\*

Before: LEAVY, HAWKINS and TASHIMA, Circuit Judges.

Petitioners Jesus Ayala Velazquez and Agustina Amezquita, natives and  
citizens of Mexico, petition for review of a Board of Immigration Appeals (“BIA”)

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

order denying their motion to reopen removal proceedings in which they were denied cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the BIA's denial of petitioners' motion to reopen, which introduced further evidence of hardship to their United States citizen children. *See Fernandez v. Gonzales*, 439 F.3d 592, 600 (9th Cir. 2006) ("Section 1252(a)(2)(B)(i) . . . bars jurisdiction where the question presented is essentially the same discretionary issue originally decided.")

Our conclusion that we lack jurisdiction to review the BIA's denial of reopening forecloses petitioners arguments that the BIA denied them due process by denying the motion as untimely, and by failing to properly evaluate the evidence presented in their motion to reopen. *See Fernandez v. Gonzales*, 439 F.3d at 603-04; *Tovar-Landin v. Ashcroft*, 361 F.3d 1164, 1167 (9th Cir. 2004) (explaining that cancellation is a discretionary form of relief in which a petitioner has no due process rights regarding the denial thereof).

**PETITION FOR REVIEW DISMISSED.**